

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 19

FRED MEYER ALASKA, INC.

Employer

and

Case 19-RC-14049

UNITED FOOD & COMMERCIAL WORKERS
UNION, LOCAL 1496, Chartered by UNITED
FOOD & COMMERCIAL WORKERS
INTERNATIONAL UNION, AFL-CIO

Petitioner

**SUPPLEMENTAL DECISION AND
CERTIFICATION OF REPRESENTATIVE**

Pursuant to a Decision and Direction of Election issued by the Regional Director on January 26, 2001, an election by secret ballot was conducted on February 23, 2001, in the following unit of employees:

All full-time and regular part-time employees employed by the employer at its 8181 Glacier Highway, Juneau, Alaska, store, in the meat and seafood departments; but excluding all guards and supervisors as defined in the Act, and all other employees.

As a result of the Employer filing a Request for Review of the Decision and Direction of Election concerning the supervisory status of the meat and seafood managers, the election was conducted and the ballots were impounded. Thereafter, the Board issued its Decision on Review and Order on July 19, 2001, finding the meat and seafood managers to be statutory supervisors and ineligible to vote. Subsequently the ballots were counted on July 30, 2001. The Tally of Ballots served upon the parties at the conclusion of the election set forth the following results:

Approximate number of eligible voters	6
Void ballots	0
Votes cast for Petitioner	5
Votes cast against participating labor organization	0
Valid votes counted	5
Challenged ballots	0
Valid votes counted plus challenged ballots	5

On August 6, 2001, a timely objection to conduct affecting the results of the election was filed by the Employer. On August 22, 2001, the regional director issued a Supplemental Decision on Objection and Notice of Hearing in which he concluded that the objection raised substantial and material issues which would best be resolved at a hearing.

Pursuant thereto, on September 5, 2001, a hearing was held before Hearing Officer Irene Hartzell Botero, who issued her Report on Objection and Recommendation on September 14, 2001. In the absence of exceptions to the Hearing Officer's Report, I hereby adopt the Hearing Officer's findings and recommendations, and overrule the Objection to the election in its entirety.¹ Accordingly, I hereby issue the following:

CERTIFICATION OF REPRESENTATIVE

IT IS HEREBY CERTIFIED that a majority of the valid ballots have been cast for United Staff Nurses Union, United Food & Commercial Workers Union, Local 141, Chartered by United Food & Commercial Workers International Union, AFL-CIO, CLC, and that such labor organization is the exclusive bargaining representative of all employees in the appropriate unit.

DATED at Seattle, Washington, this 5th day of October 2001.

Paul Eggert, Regional Director
National Labor Relations Board, Region 19
2948 Jackson Federal Building
915 Second Avenue
Seattle, WA 98174

378-2893

¹ Under the provisions of Sections 102.69 and 102.67 of the Board's Rules and Regulations, a request for review of this Supplemental Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 0 14th Street N.W., Washington, D.C. 20570. This request must be received by the Board in Washington, D.C. by October 19, 2001.

Under the provisions of Section 102.69(g) of the board's Rules, documentary evidence, including affidavits, which a party has timely submitted to the Regional Director in Support of its objections or challenges and which are not included in the Supplemental Decision, are not part of the record before the Board unless appended to the request for review of opposition thereto that the party files with the Board. Failure to append to the submission to the Board copies of evidence timely submitted to the Regional Director and not included in the Supplemental Decision shall preclude a party from relying on that evidence in any subsequent related unfair labor practice proceeding.